

<b>Committee Date</b>	03.08.2023	
<b>Address</b>	Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT	
<b>Application Number</b>	23/01388/FULL1	<b>Officer</b> - David Bord
<b>Ward</b>	Darwin	
<b>Proposal</b>	Provision of additional pitch comprising one mobile home and provision of utility building	
<b>Applicant</b>	<b>Agent</b>	
Mrs Charmaine Moore	Dr Robert Home	
Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT	Flat 3 Earl House 75 Lisson Grove London NW1 6UN United Kingdom	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Call-In	Yes - Cllr Jonathan Andrews – Concern that the development would impact on road safety, Green Belt and off-site water and wastewater

<b>RECOMMENDATION</b>	Permission
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<p><b>KEY DESIGNATIONS</b></p> <p>Article 4 Direction Special Advertisement Control Area Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p> <p>Traveller Sites</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Traveller Site	
Proposed	Traveller Site	

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	4	4	0
Disabled car spaces			
Cycle			

<b>Electric car charging points</b>	Percentage or number out of total spaces Unknown
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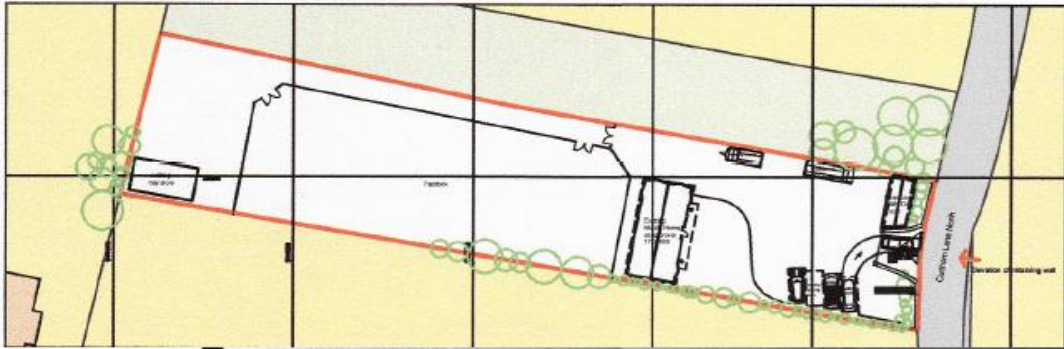
<b>Representation summary</b>	<ul style="list-style-type: none"> <li>• Neighbour notification letters were sent on the 03.05.2023.</li> <li>• A site notice was displayed 04.05.2023</li> <li>• A press advert was published on 17.05.2023</li> </ul>
Total number of responses	13
Number in support	0
Number of objections	13

## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposal would result in a total of three pitches.
- The site is a designated Traveller Site Inset Within the Green Belt.
- There would be no significant impact on residential amenities.
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general.
- A landscaping condition is considered appropriate in the interests of the visual amenity of the site.
- The accommodation provided would be of a satisfactory standard.

- Subject to a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is considered acceptable.

## 2. LOCATION



**Figure 2 – site location plan**

- 2.1 The front part of the application site which is the subject of this application is designated as a *Traveller Site Only, Inset Within the Green Belt*. The rear part of the site falls within the Green Belt. Cumulatively, the site measures approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. A Girl Guide camp site adjoins the southern site boundary whilst the area to the north is occupied by protected woodland. The surrounding area is generally open and rural in character and contains little built development.



**Figure 2 – Front of the site**



***Figure 3 – Location of proposed day room between mobile home and day room***



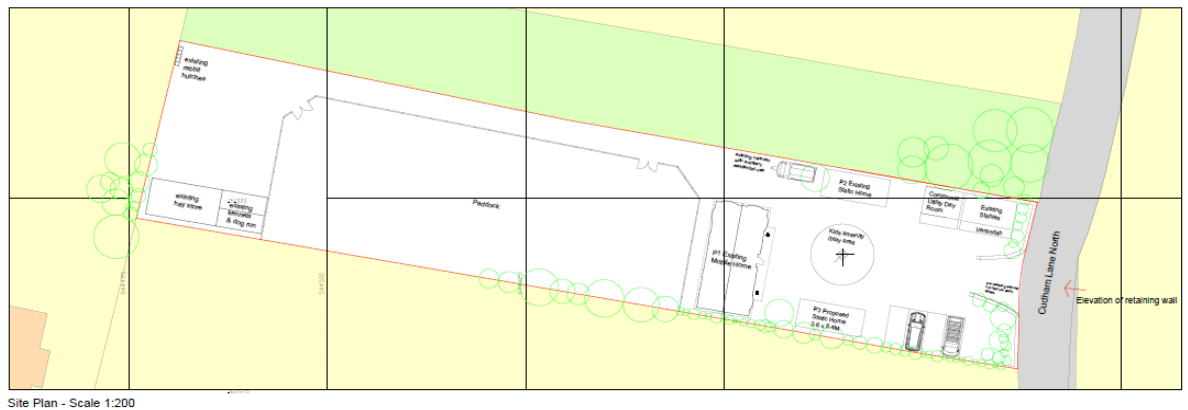
***Figure 4 – Location of proposed mobile home adjacent to the southern boundary***

### **3. PROPOSAL**

- 3.1 This application seeks the provision of one additional pitch on the site, which would increase the number of pitches on the site from 2 to 3. In addition, permission is sought for a utility building which would be situated toward the front of the site close to an existing stable block.
- 3.2 The basis of this application has been outlined in a supporting statement compiled by the agent. It is advised that “the applicant’s children are now grown up, with

partners but no children, and it is no longer possible to accommodate them under the existing permissions, hence the application for an additional static caravan.”

- 3.3 It should be noted that following the receipt of revised plans from the applicant on 3 July 2023 the proposed relocation of the existing stable block from the front to the rear of the site has been removed from this application. As a consequence, the size of the proposed utility day room has been reduced and it has been relocated to the rear of the existing stable block, with its overall dimensions reduced to 4.8m x 5.0m.



**Figure 5 – Proposed site plan**

- 3.4 This application is essentially a resubmission of the proposal that was considered under application ref. 17/00655/RECON2 for the variation of Condition 3 of planning permission reference 17/00655/RECON1 to increase the number of pitches on the site from 2 to 3, which was refused planning permission by the Council in October 2022.
- 3.5 An appeal against that decision was withdrawn, following confirmation from the Planning Inspectorate that the application would not be within the scope of the powers for varying conditions attached to a previous application under Section 73 of the Town and Country Planning Act 1990 (as amended), because the operative part of the planning permission, i.e. the description of development for which planning permission had originally be granted, would be amended. This application seeks permission for the same proposal in principle but through the correct route of an application for full planning permission.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 There is a detailed planning history associated with the site since 2008 which is summarised below:
- 4.2 In May 2008 planning permission was granted (under application ref: 08/00559) for a change of use of the site from agricultural land to the keeping of a horse and for the retention of a newly created access and hardstanding. The applicant indicated, in a supporting statement, that the site would be used by her daughter to practice riding her horse.



- 4.3 Under a subsequent application approved in November 2008 (ref: 08/03254), planning permission was granted for a stable and a store room and hardstanding area for horsebox and trailer parking. This application was submitted in relation to the equestrian use of the site which had been granted 6 months prior. Planning permission was also granted for a detached WC building in December 2009 (under ref. 09/02833) to be used by the applicant and her children when visiting the site.
- 4.4 In April 2009 the applicant appealed against the refusal to remove Condition 12 of application ref: 08/03254 which restricted uses within the site, including the stationing or storage of a caravan or caravans (including for the setting up or preparation for such uses or activities) at any time. The Planning Inspector considered the condition to be justified and dismissed the appeal in August 2009. The Inspector commented *“I consider that the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP”*.
- 4.5 In April 2010 the Council refused a further application which sought to vary the above planning condition in order to permit the stationing of a caravan on the site (ref: 10/00192). The applicant explained that she sought to vary the condition should she wish to place a caravan on the site at a later date. A further application for an additional storage building was refused by the Council in June 2010 (ref: 10/00834) on the basis that this was not considered necessary to facilitate equestrian activities on the site and that this would result in a disproportionate level of site coverage by buildings, thereby representing an undesirable intensification of development in the Green Belt.
- 4.6 On 9 July 2010 two caravans were moved on to the site, comprising a mobile home which was occupied as a dwelling by the applicant and her family and a smaller touring caravan which was understood to be used for travelling. An application (ref: 10/02059) was registered on 26 July 2010, in which retrospective planning permission was sought for the change of use of the equestrian site to a gypsy and traveller caravan site. The application included one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which were shown to be located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site. The Council refused permission by Notice dated 14 September 2010 for the following reasons:

*“1. The proposal constitutes an undesirable form of urbanised development located in the Green Belt wherein there is a general presumption against inappropriate development, and no very special circumstances have been demonstrated to justify making an exception to Policy G1 and H6 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.*

*“2. The continued residential occupation of this site and the stationing of caravans will cause unacceptable visual harm to the character and appearance of the area and undermine the openness and character of the*

*Green Belt, therefore contrary to Policies G1 and BE1 of the Unitary Development Plan and PPG2.*

*“3. The additional hardstanding, boundary fencing and entrance gate detract from the visual amenities and openness of this rural and open area, by reason of their prominent siting, unsympathetic materials excessive height and unsympathetic design, contrary to Policies BE1 and G1 of the Unitary Development Plan.*

*“4. In the absence of information to the contrary, the means of vehicular access is unsuitable for larger vehicles/trailers manoeuvring on to the site and is prejudicial to the free flow of traffic and general conditions of safety within the highway, contrary to Policy T18 of the Unitary Development Plan.”*

- 4.7 A subsequent appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site was dismissed in June 2011; however, this Appeal Decision was subsequently overturned by the High Court, a decision upheld by the Court of Appeal. The High Court judgement dated 16 November 2012 quashed the Inspector’s decision but only relating to temporary permission. The Council issued two enforcement notices in July 2013 to put an end to the use of the land as a gypsy and traveller site and to remove various associated operational development.
- 4.8 A re-determined appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site as well as the 2013 enforcement notices was issued in July 2015. The appeals were allowed and planning permission was granted for the change of use of the land from the keeping of horses to a mixed use for the keeping of horses and for use as a single pitch Gypsy and Traveller site accommodating one residential mobile home and one touring caravan used for ancillary residential purposes, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m), steel gates (max height 1.98m) and detached shed subject to conditions. Key considerations made by the Inspector in determining these appeals are set out below:

*“The Traveller policy makes it clear that gypsy sites are inappropriate development in the GB and the Framework provides that substantial weight will be attached to such harm. This is common ground between the parties.” (Paragraph 38)*

*“The fact that all existing sites in the borough are presently in the GB, as is all of the non-urban area, does not diminish the weight to be accorded to the harm resulting from inappropriate development caused by the appeal development. This is substantial and, therefore, contrary to UDP Policy G1 and paragraph 88 of the Framework.” (Paragraph 39)*

*“However, I accept that if the appellant were to vacate the site and set up a roadside encampment, this would also be likely to be in the GB. Not only would this also be inappropriate, but roadside encampments can aggravate tensions between travellers and the settled community and cause as much, if not greater, environmental harm than unauthorised development. This is a material consideration which I afford some weight to.” (Paragraph 40)*

*“The permitted structures on the land, including the stable building, toilet building and some of the fencing, already result in some loss of openness with the appeal development, as a whole, resulting in a further loss of openness. Even if this is more limited today than when the previous appeal was determined, any harm to the GB, no matter how limited, has to be afforded substantial weight, as required by paragraph 88 of the Framework. The loss of openness may be relatively limited but it is not minimal; two caravans have been sited on the land, a shed constructed on it, a high, solid timber fence erected along its southern boundary and additional areas of hardstanding have been laid within the site.” (Paragraph 42)*

*“The appeal development is visible against a wooded backdrop when viewed from the south. Its visual impact would have been greater were it not for the landscaping carried out which predominantly screens the development. However, this landscaping itself has resulted in some visual harm. The solid timber fence and fast growing laurel hedge now visible above it are features more appropriate to a suburban setting not the appeal site’s rural setting.” (Paragraph 43)*

*“Overall, the appeal development has resulted in some harm to the character and appearance of the countryside, contrary to UDP Policy BE1. However, I am satisfied that the harm identified could be mitigated over time and by more sensitive landscaping than that carried out. The native trees planted between the timber fence and the permitted fence along the site’s southern boundary will mature to provide an effective and more natural form of landscaping than the laurel hedge planted behind it and the appellant has also offered to remove the fence. These matters could form part of a landscaping scheme which could be a condition of any planning permission granted.” (Paragraph 45)*

*“Having regard to the provisions of the Traveller policy, the fact that any new sites would also be in the GB and that there would be no need to remove any frontage planting as a consequence of implementing proposed improvements to the current access arrangements (which I turn to next), I consider that the visual harm caused by the appeal development is limited. I am also satisfied that this limited visual harm could be reduced and the appeal development made acceptable such that the requirements of UDP Policy BE1 could be met.” (Paragraph 46)*

*“Given the circumstances, there can be no guarantee that the Council’s proposed strategy would deliver the additional pitches required to meet the significant level of current and future need identified, beyond allowing the size of families occupying existing sites to expand. Whilst this would meet some of the identified future need it would not meet the wider general need for pitches in the borough.” (Paragraph 58)*

*“National policy advice and guidance is quite clear: Inappropriate development in the GB should not be approved except in very special circumstances. It is, by definition, harmful and the harm caused by it should be afforded substantial weight. Likewise, the harm caused by the loss of openness, even though the loss may be limited by virtue of the small scale of the development carried out and the fact that the appeal site is previously developed land. Consequently, the appeal development conflicts with UDP Policy G1 and relevant provisions of the Framework and the Traveller policy.” (Paragraph 74)*



*“I have found that alternative forms of landscaping would reduce the harm caused to the character and appearance of the area, and this could be secured by condition. The Council now accepts that its concerns about highway safety could be similarly addressed. Consequently, I conclude that, other than the harm to the GB, the appeal development causes little harm, subject to appropriate conditions and that there would be no material conflict with UDP Policies BE1 and T18. If these matters do not necessarily weigh, or weigh very much, in the appeals’ favour they do not weigh against it.” (Paragraph 75)*

*“Personal circumstances are also material. The appellant’s aversion to bricks and mortar means that temporary housing or hostel accommodation would not be suitable alternative accommodation, even in the short term, and there is a very real likelihood that a refusal of planning permission would result in her resorting to a roadside existence. This would be harmful to the family’s quality of life and would adversely impact on their health and education. It would also result in the loss of the family’s home, in serious interference with their Article 8 rights [of the Human Rights Act 1998] and would clearly not be in the best interests of the children. As most of the borough is either urban or GB a roadside existence would also be likely to be just as harmful to the GB and, potentially, more harmful to the countryside than the appeal development.” (Paragraph 78)*

*“In these circumstances, I conclude that the harm by reason of inappropriateness and the limited loss of openness that has occurred is clearly outweighed by other considerations such that very special circumstances exist to justify the grant of a permanent planning permission for the appeal development, personal to the appellant and her resident dependents, subject to other conditions discussed below. Consequently, there is no need for me to consider the appeals under ground (g)” (Paragraph 81)*

*“I have considered the Council’s list of suggested conditions in the light of the discussion which took place during the inquiry. There is a need for a condition restricting occupation of the land to gypsies and travellers, in the interests of protecting the GB. A further occupancy condition is necessary to make any permission personal to the appellant and her resident dependents, in the interests of protecting the GB and because the appellant’s personal circumstances are a significant factor in my decision to grant planning permission.” (Paragraph 82)*

*“There is a need for conditions restricting the number and types of caravans on the land, preventing any commercial activities taking place on the land, restricting the weight of vehicles kept on the land and requiring details of any external lighting to be approved in advance, all in the interests of appearance. There is also need for a condition requiring the permitted use to cease unless details of the layout of the site and alternative landscaping, including boundary treatment, are approved and implemented within a given period, again, in the interests of appearance.” (Paragraph 83)*

4.9 Under application reference 17/00655/FULL1, planning permission was granted at appeal in April 2018 for the following: *Use of land for private Gypsy and Traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan. (Revision to planning application ref. 10/02059/FULL2 allowed at appeal comprising removal of existing mobile home and its replacement with twin mobile home unit in a re-sited position within the site with associated slab and access ramps, without compliance with Condition 5).* In allowing the appeal, the Inspector concluded that the harm that would arise to the openness of the Green Belt would

be outweighed by other matters, including that applicant's medical condition and needs, such that very special circumstances exist to allow the appeal.

4.10 Under application reference 17/00655/RECON the Council granted approval in April 2020 for the removal of the following conditions of application reference 17/00655/FULL1 (as allowed at appeal):

(No 3) The occupation of the site hereby permitted shall be carried on only by the following and her resident dependants: Ms Charmaine Moore;

(No 4) When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place; and

(No 5) There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan

4.11 Under application reference 19/04469/FULL the Council refused permission in April 2020 for the installation of 2 additional touring caravans to be used for residential ancillary purposes; the erection of 2 utility/day rooms to be placed together; re-siting of existing stable block to the rear of the site; and erection of a retaining wall adjacent to the front boundary for the following reasons:

"1. *The proposed re-sited stable would constitute inappropriate development within the Green Belt as the site does not provide an adequate-sized area of grazing land, and would therefore result in an overintensification of horse-related activities, thereby contrary to policies 49 and 61 of the Bromley Local Plan.*

2. *The proposed day and utility rooms would, by reason of their siting, scale and height constitute an overdominant and intrusive form of development, harmful to the rural character of the area, and contrary to Policy 37 of the Local Plan, and the PPTS.*

3. *The proposal would intensify the use of the existing substandard access onto Cudham Lane North and would be likely to lead to conditions prejudicial to the free flow and general safety of traffic along the highway, contrary to Policy 32 of the Local Plan."*

4.12 Under application reference 20/02706/FULL1 the Council refused planning permission in October 2020 for the relocation of existing stables, the retention of an existing static home and the construction of a utility day room for the following reason:

*"The proposed re-sited stable would constitute inappropriate development within the Green Belt, which would be harmful to its openness, and in the absence of very special circumstances the proposal is contrary to policies 49 and 61 of the Bromley Local Plan."*

4.13 A subsequent appeal was dismissed under reference APP/G5180/W/20/3263878 in November 2021. The Inspector concluded the following at para 25:

*“The proposal would conflict with Policies 49 and 61 of the Local Plan which, amongst other matters, state that permission will not be given, except in very special circumstances. I have concluded that the development would be inappropriate development in the Green Belt as the proposal would not preserve the openness of the Green Belt, as required by the Framework. The proposal would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, I have found that the proposal would be harmful to the rural character of the Green Belt, and this brings the proposal into conflict with Policy 61 of the Local Plan. The benefits of those other considerations, which include those personal benefits to the appellant of re-positioning the stable, retaining the caravan so that the family can live together and support one another, and, providing a dayroom at the site, do not clearly outweigh the harm. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.”*

4.14 Under planning application reference 17/00655/RECON1 the Council granted approved in April 2022 for the removal of Condition 10 of application reference 17/00655/FULL1 (allowed at appeal 10 April 2018) to enable the provision of 2 pitches within the site. Condition 3 stated:

*“There shall be no more than 2 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.*

*Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt.”*

4.15 Under application reference 17/00655/RECON2 an application for the variation of Condition 3 of planning permission reference 17/00655/RECON1 to increase the number of pitches on the site from 2 to 3 was refused planning permission by the Council in October 2022 for the following reason:

*“The proposed development would result in an incoherent form of development and unacceptable intensification of the site, which would be harmful to the visual amenities of the adjacent Green Belt and wider area, and would give rise to issues of road safety along Cudham Lane North; thereby contrary to Policies 32, 37, and 53 of the Bromley Local Plan (2019).”*

4.16 An appeal against that decision was withdrawn, following confirmation from the Planning Inspectorate that the application would not be within the scope of the powers for varying conditions attached to a previous application under Section 73 of the Town and Country Planning Act 1900 (as amended), because the operative part of the planning permission, i.e. the description of development for which planning permission had originally be granted, would be amended.

## 5. CONSULTATION SUMMARY

### A) Statutory

- 5.1 The Council's Highways Engineer raised no objection to the proposal and commented as follows:

*“Cudham Lane North is a classified road, a local distributor. The 2017 application was allowed on appeal. The use of the site for a residential unit has been established. RECON1 increased the number of pitches from 1 to 2 and this one is to increase it to 3.*

*This would again result in a small increase in associated traffic movements. However, I think it is unlikely to be significant and also that it would be difficult to sustain a ground of objection on that basis.*

*The site access has some limitations in terms of sightlines. I have some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. I would suggest that any application for a further increase in pitches is accompanied by a Transport Technical Note.”*

### B) Local Groups

- 5.2 Cudham Residents' Association has raised objection to the proposal on the following grounds:
- There have been many applications and appeals in connection with this site. Each time an application/appeal is made, there are less objections due to 'appeal fatigue' (the law of diminishing returns). This is a consideration which should be taken into account.
  - The whole history of all the planning applications and appeals related to site should be looked at thoroughly and in full before a decision is reached.
  - The applicant intends to return the stables to the original location from which they were removed, therefore restoring the visual impact that the original application was meant to address. [Note: Following receipt of revised plans the stable block would not now be relocated.]
  - Overall, this application would result in an overdevelopment of this site within this rural location, which would have a significant detrimental impact on the visual amenities, openness and rural character of the surrounding Green Belt area.
  - Unsatisfactory intensification of development and intrusive form of development into the countryside which would be seriously harmful to the openness and rural character of the Green Belt.
  - Whilst the site has been removed from the Green Belt it is inset in the Green Belt and is surrounded by footpaths/bridleways/fields and recreational land the site borders, and is clearly visible from, Cudham Shaws Outdoor Centre, a Scout Camp. It is also clearly visible from 3 different public footpaths the circle the village.
  - As the site currently stands it has a large visual impact on its surroundings and does not create a coherent form of development within its surroundings.

- Reference to similar land conversion planning applications that have both had planning permission refused by LBB due to inappropriate development within the Green Belt.

### **C) Adjoining Occupiers**

5.3 Local residents were notified of the application and comments are summarised below:

- Planning rules and conditions have been previously ignored
- The site should not be further developed
- Pushing the boundaries on what was originally intended for the site
- Substantial allowed already made for the development of this plot
- Planning history of the site is highly relevant to this application
- Previous version of this application has already been refused
- Benefit of relocating the stables questioned
- Detrimental impact on the visual amenities, openness and rural character of the surrounding Green Belt
- Site already has a large intrusive visual impact on its surroundings and does not comprise a coherent form of development
- Increasing number of pitches from 2 to 3 creates a larger mass with static caravans and increased visual impact
- Unsatisfactory intensification in the use of the site
- Unsightly development
- Concerns relating to drainage and foul/waste drainage
- No need for utility room facilities should additional mobile home be approved
- Loss of valuable agricultural land
- Poor visibility from the site creates a road safety hazard
- Adverse impact on local biodiversity

## **6. POLICIES AND GUIDANCE**

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Bromley comprises the London Plan (2021) and the Local Plan (2019). The NPPF does not change the legal status of the development plan.

### London Plan

Policy H14 Gypsy and Traveller Accommodation

## Local Plan

Policy 12	Travellers' Accommodation
Policy 30	Parking
Policy 32	Road Safety
Policy 37	General Design of Development
Policy 53	Land Adjoining Green Belt or Metropolitan Open Land

- 6.3 Planning Policy for Traveller Sites (first issued in March 2012) is also a relevant policy consideration in this application. This is to be read in conjunction with the National Planning Policy Framework (NPPF).

## **7. ASSESSMENT**

### **7.1 Principle of development - Acceptable**

- 7.1.1 The part of the application site was removed from the Green Belt allocated as a Traveller Site in the Local Plan 2019 in order to address the existing and future need for traveller provision.
- 7.1.2 The site is the subject of a detailed planning history dating back to 2008. In the intervening years the site has gained lawful use as a gypsy and traveller caravan site.
- 7.1.3 The site comprises of 2 pitches on the site (each of the pitch containing no more than 2 caravans, of which only 1 caravan shall be a static caravan). Following the adoption of the Council's current Local Plan in January 2019, the status of the front part of the site has changed to a Traveller Site Only, Inset Within the Green Belt. The rear part of the site falls within the Green Belt. The change of designation has been aimed at addressing the accommodation needs of travellers in the borough. Accordingly, this designation forms an important material consideration.
- 7.1.4 On the basis of 500m per pitch the Local Plan Traveller Site Assessment (2016) Table 2 indicated that Archies Stables site had the potential for two pitches. However, this does not limit the site to 2 pitches should an application, such as this one be submitted for additional pitches and considered to meet planning policy. The DCLG guidance allows for pitches of more limited scale, noting in para 7.13 that "*Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle.*" Indeed, a significant number of the Council's own pitches are smaller than 500m.
- 7.1.5 The particular circumstances of this application, a single family group, would allow for smaller pitches with the shared proposed day room and children's play area, however, this relies upon the usage of the site as a whole (three pitches) by a single family group. This would be subject to a planning condition.
- 7.1.6 The size of the proposed pitches would also justify a condition to restrict the size of the statics to those illustrated on the submitted plans as the provision of 3 larger



statics would undermine that ability of the pitches to meet the other aspects a good pitch design.

7.1.7 Having regard to the above, the proposal is considered acceptable in principle.

7.1.8 As set out at paragraph 3.3, following the receipt of revised plans from the applicant on 3 July 2023 the proposed relocation of the existing stable block from the front to the rear of the site has been removed from this application. This followed the advice from Council officers referencing Appeal Decision APP/G5180/W/20/3263878 of November 2021 (see paragraph 4.13 above) in which a similar proposal was deemed inappropriate in the Green Belt.

## **7.2 Design - Acceptable**

7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.2.2 The NPPF (2021) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.2.3 Local Planning Authorities are required to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.2.4 New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.2.5 London Plan and Bromley Local Plan further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.6 Policy D3 of the London Plan specifies that development must make the best use of land by following a design-led approach, providing optimised development that is of the most appropriate form and land use for the site, taking into account a site's capacity for growth in tandem with its context. Development proposals should deliver buildings that positively respond to local distinctiveness through their

layout, scale, orientation, appearance and shape, having appropriate regard to existing and emerging building types, forms and proportions.

- 7.2.7 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.2.8 In terms of the siting and appearance of the mobile home and the communal utility day room, these elements would be located adjacent to the southern and northern site boundaries respectively and much of the existing aspect into the site would be maintained because of their siting. The proposed communal utility day room would occupy a somewhat more discreet position adjacent to the northern site boundary and against a backdrop of trees. In comparison to the scheme refused under application reference 17/00655/RECON2 it would have a smaller footprint (4.8m x 5.0m – down from 6.0m x 3.6m). In terms of the adjoining Green Belt, it is not considered that it would have a detrimental effect on its visual amenity, character or nature conservation value.
- 7.2.9 It is considered that in view of the proposed intensification in the use of the site, with the provision of an additional pitch and utility room, that a landscaping condition is imposed to ensure that the site effectively assimilates with its open and verdant surroundings and that existing soft landscaping features are retained where possible. Of relevance, paragraph 26 of the Planning Policy for Traveller Sites (PPTS) advises that when considering applications, local planning authorities should attach weight to various matters, including that sites are *“well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.”*
- 7.2.10 In comparison to the utility/day rooms which were proposed by the applicant under application reference 19/04469/FULL1 and subsequently refused on the basis of their adverse impact on the rural character of the area, the day room now proposed is set back from the site frontage to the rear of an existing stable block and incorporates a substantially reduced floor area and a more discreet siting.
- 7.2.11 Having regard to the above, subject to suitable landscaping provision, it is not considered that the scope of the development would be significantly out of character with or detrimental to the visual amenities of the area.

### **7.3 Neighbourhood amenity - Acceptable**

- 7.3.1 Policy 37 of the Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.3.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.3.3 In regard to neighbouring amenity, given the scale of the proposal and its relationship to neighbouring residential properties, as well as to the adjoining Girl Guide site to the south, it is not considered that this would be significantly undermined in terms of noise or disturbance or in terms of visual impact. The site is well screened and maintains a significant separation to residential properties along Cudham Lane North.

### **7.4 Highways - Acceptable**

- 7.4.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.4.2 London Plan and Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Local Plan should be used as a basis for assessment.
- 7.4.3 The Highways Engineer has previously commented (in respect of application reference 17/00655/RECON2) that the site access has some limitations in terms of sightlines, and he has some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. In the current circumstances, the proposal would result in a small increase in associated traffic movements. However, it is considered unlikely to be significant, and subject to a condition aimed at ensuring that the site remains in single family occupation any highways impact would be more limited as compared to a site occupied by more than one family.

## **8. CONCLUSION**

- 8.1 In summary, the proposal would result in an additional pitch within the area of the site that has been designated a Traveller Site Inset within the Green Belt. Accordingly, there is no conflict with Green Belt policy and in principle the proposal

would help to address the need for traveller accommodation within the Borough at an established site. There would be no significant impact on residential amenities and, subject to a landscaping condition, the development is considered to be of an acceptable design that would not harm the visual amenities of the street scene or the area in general. The accommodation provided would be of a satisfactory standard. Subject to a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is also considered acceptable.

**RECOMMENDATION: PERMISSION**

**as amended by documents received on 03.07.2023**

**Subject to the following conditions:**

- 1 The site shall only be occupied by a single extended family and shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2012 (or its equivalent in replacement national policy).**

**Reason: In order to comply with Policies 12, 32 and 37 of the Local Plan and Planning Policy for Traveller Sites, to ensure that the site remains in Gypsy and Traveller occupation, in the interest of the visual amenities of the area, and to ensure that the development is commensurate with the interests of highways safety.**

- 2 When the land ceases to be occupied by those named in Condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.**

**Reason: In order to comply with policies 12 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area and the openness of the Green Belt.**

- 3 Details of a scheme of landscaping applicable solely to the designated Traveller Site, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the development or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**REASON: In order to comply with Policy 37 of Local Plan and paragraph 26 of the Planning Policy for Traveller Sites and to secure a visually satisfactory setting for the development**

- 4 There shall be no more than 3 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

**Reason:** In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt.

- 5 No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

**Reason:** In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 6 Details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details and thereafter retained in that form.

**Reason:** In order to comply with the requirements of policies 12, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 7 If any tree is cut down, uprooted or destroyed in order to implement this permission trees of a size and species to be agreed by the local planning authority in writing, shall be planted as replacements and shall be of such size and species as may be specified in writing by the local planning authority. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

**REASON:** In order to comply with Policy 73 of the Local Plan and to secure a visually satisfactory setting for the development.

- 8 The development hereby permitted shall be carried out strictly in accordance with the following approved plan: 200704/01F dated 30 June 2023.

**REASON:** In order to comply with the requirements of policies 12 and 37 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the visual amenities of the area.

**And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.**